

REMARKS

Applicant respectfully traverses the rejection of claims 34 and 35 under 35 U.S.C. § 112, second paragraph. The Office Action indicates that the “inclined surface” of claims 34 and 35 is not a permanent characteristic of the apparatus. Applicant has amended claims 34 and 35 to remove the informality, “inclined surface,” from the claims, and to recite in its place “a surface capable of inclination.” In view of this amendment, Applicant submits that claims 34 and 35 meet the requirements of 35 U.S.C. § 112, second paragraph, and respectfully requests withdrawal of the 35 U.S.C. § 112 rejection.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 1-3, 7-8, 10, 12, 34, and 35 over *Cimmino* (PCT/AU00/00383); the 35 U.S.C. § 103(a) rejection of claim 11 over *Cimmino* in view of *Cundari et al.* (U.S. 6,179,790); and the 35 U.S.C. § 103(a) rejection of claims 4-6 and 9 over *Cimmino* in view of *Cruz-Hernandez et al.* (U.S. 6,445,284).

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.”

M.P.E.P. § 2141(III) (8th ed., revised July 2008). “When making an obviousness rejection, Office personnel must therefore ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied.” M.P.E.P. § 2141(II). “Once the findings of fact are articulated, Office personnel must provide an explanation to support an obviousness rejection under 35 U.S.C. 103.” *Id.*

Amended independent claim 1 recites, among other things, a convexo concave amplifying device comprising “a sensing member comprising a flexible sheet able to contact with the surface of the object and to deform concavely and convexly along the surface of the object.” Amended independent claim 10 recites, among other things, a convexo concave detecting method comprising “a contacting step of contacting the sensing member with a surface of the object and deforming the flexible sheet of the sensing member concavely and convexly along the surface of the object.” The amendments are supported in the Specification at paragraphs [0067], [0080], and [0081], and are not new matter.

Cimmino, in contrast, discloses a transducer comprising “a pair of coaxial interposed helical conductors A and B embedded in an elastic dielectric material 11,” where “the transducer is bonded on one side along its length to a flexible non-extensible base surface 13.” *Cimmino* at page 3, lines 18-20 and lines 28-29. *Cimmino* also discloses that the transducer may be “in the relaxed or non-flexed state and in the flexed state” as shown in Figs. 2a and 2b, respectively. *Cimmino* at page 4, lines 15-16. When the coils of conductors A and B are closely disposed in the non-flexed state, a deformation into a convexity of the transducer can be detected due to an enlargement of the distances of the coils. However, the transducer does not deform into a concavity, allowing deformation into a convexity to be detected. Therefore, *Cimmino* does not disclose or suggest deforming “concavely and convexly” as recited, e.g., in claims 1 and 10. Neither *Cruz-Hernandez et al.* nor *Cundari et al.* disclose or suggest the teaching missing from *Cimmino*. Therefore, *Cimmino*, *Cruz-Hernandez et al.*, and *Cundari et al.*, either alone or in combination, do not disclose or suggest each and every element of

independent claims 1 and 10. These references, therefore, considered alone or in combination do not establish a prima facie case of obviousness of these claims. See M.P.E.P. § 2142. Claims 2-9 and 34 depend from independent claim 1, and claims 11, 12, and 35 depend from independent claim 10, and are therefore patentable for at least all of the same reasons that respective independent claims 1 and 10 are patentable. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejections be withdrawn.

Applicant requests entry of this Amendment After Final in order to place the claims in condition for allowance or in better form for appeal. Applicant submits that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner. Applicant respectfully points out that the Final Action by the Examiner presented new arguments related to the application of the art against Applicant's claims. Entering of the Amendment will allow the Applicant an initial opportunity to reply to the new arguments.

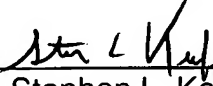
In view of the foregoing amendments and remarks, Applicant requests the Examiner's reconsideration and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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